

Express Mail No.: EL 752245609 US

9D-EC-19337
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruppelt et al.

Serial No.: 09/480,344

Filed: January 10, 2000

For: METHOD AND APPARATUS FOR
PRODUCT SELECTION
ASSISTANCE

: Art Unit:

: Examiner:

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MAY 29 2002

OFFICE OF PETITIONS

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION**

Box DAC
Hon. Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicants hereby petition to withdraw holding of abandonment based on failure to receive an office communication.

The present application was transferred by GE Appliances (GE) to Armstrong Teasdale LLP (AT) in connection with GE requesting that AT take over docketing responsibility. In reviewing the approximately 383 files transferred, it was discovered by status checks that this application and approximately 42 other applications that were believed to be pending actually had a status of abandoned. Specifically, through a telephone status check to the USPTO, Applicants learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicants learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicants on July 18, 2000. The undersigned has examined Applicants' file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION or a notice of abandonment. Additionally, attached is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

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Applicants respectfully submit that Applicants' record is indicative of Applicants never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn. Specifically, Applicants request that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicants believe that no fee is due for this petition and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$130.00 to deposit account 01-2384. If \$130.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicants hereby petition to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).
- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.
- (4) Fees:
 - a. Payment of the late filing fee \$ 130.00
 - b. Petition fee (37 C.F.R. 1.17(m)) \$ 1,280.00


c. TOTAL FEES DUE: \$ 1,410.00

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

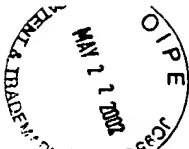
- (5) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.
- (6) Enclosed is a signed declaration of Kevin Michael Ruppelt, Leslie A. Curran and Martha Mayer Davis.
- (7) Enclosed is a signed declaration of Jane Wallace Schneider.
- (8) Enclosed is a signed declaration of Ellen Diane Evans.
- (9) Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,


Thomas M. Fisher, Reg. No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

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ATTORNEY IN CHARGE	INVENTOR(S)			PATENT NO.	DOCKET NO.
ATTORNEY OF RECORD	HARRIS, JR. SUGGEST. JEROME L. HARRIS			SERIAL NO.	9D-EC-19337
COMMITTEE RATING	HARRIS, JR. SUGGEST. JEROME L. HARRIS			FILED	97/480 344
DEPT. CHARGED	HARRIS, JR. SUGGEST. JEROME L. HARRIS			DIV. NO.	11/4/60
DEPT. OF ORIGIN	DATA ON FOREIGN-ORIGINATED CASES & ASSIGNEE OF RECORD (IF NOT G.E. CO.)			ALLOWED	RELATED DIV. OR CONT.
BUS. ADDR. OF INV.(S)	EXC'D DATE	FILING FEE REQ.	SENT TO PATENT OFF.	ISSUED	G. E. CLASS NUMBER
	BONUS NOTIFICATION	INFO. TO IGE.	SUPPL. OATH REQ.	FINAL FEE REQ.	

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FORMALITIES LETTER



"000000005248865"



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/480,344	01/10/2000	KEVIN MICHAEL RUPPELT	9D-EC-19337

GEORGE L RIDEOUT JR
GENERAL ELECTRIC COMPANY
APPLIANCE PARK 2 225
LOUISVILLE, KY 40225

Date Mailed: 07/18/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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Art Unit:

Examiner:

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER OF PATENTS AND TRADEMARKS**

Express Mail mailing label number: EL 752245609 US

Date of Mailing: May 20, 2002

I certify that documents listed below:

- ◆ Petition To Revive Patent Application For Unintentional Failure To Respond To Notice Of Missing Parts (37 C.F.R. § 1.137 (b)) (2 pages, *in duplicate*)
- ◆ Part 2 - Copy of the Notice To File Missing Parts Of Nonprovisional Application (1 page)
- ◆ An originally signed Declaration And Power Of Attorney of Kevin Michael Ruppelt, Leslie A. Curran and Martha Mayer Davis (3 pages)
- ◆ An originally signed Declaration And Power Of Attorney of Jane Wallace Schneider (3 pages)
- ◆ An originally signed Declaration And Power Of Attorney of Ellen Diane Evans (3 pages)
- ◆ Certificate Of Mailing By Express Mail (1 page)
- ◆ Return Post Card

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully Submitted

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